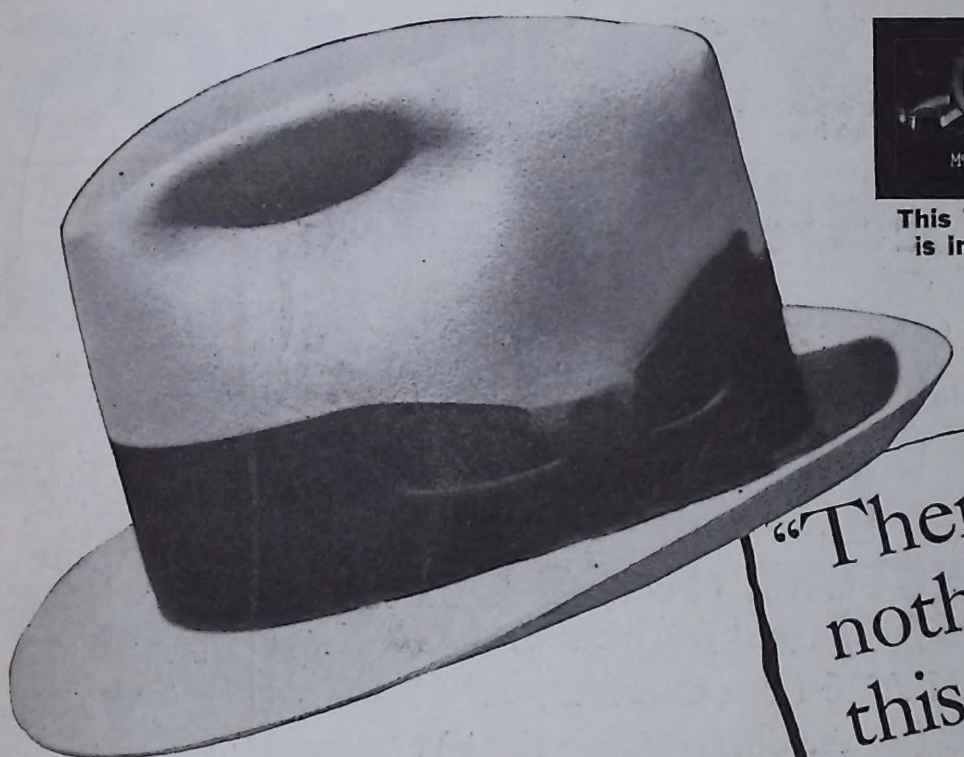
"Lovers Courageous," Metro-Goldwyn-Mayer Picture, among the popular hits

CANADIAN MOVING PICTURE DIGEST

Vol. 23, No. 47 TORONTO 2, CANADA March 19th, 1932



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"There is nothing in this business which good pictures can-not cure."

NICHOLAS M. SCHENCK
President, Loew's, Inc., and Metro-Goldwyn-Mayer

Paste it IN YOUR HAT!

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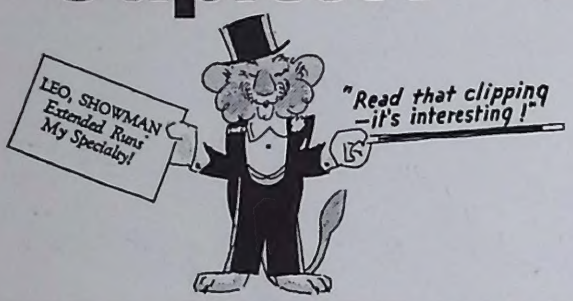
PUBLISHED BY
CANADIAN MOVING PICTURE DIGEST COMPANY LIMITED
259 SPADINA AVENUE, TORONTO 2

The Capitol, N. Y. has 5300 seats. It takes Big Pictures to play here for Two Weeks!

"What has been happening UNDER YOUR NOSE at the Capitol?" asks the



PICTURE AFTER PICTURE HOLDS OVER!

The Capitol's record for the past few months:

2 WEEKS—THIS MODERN AGE (Joan Crawford)
2 WEEKS—A FREE SOUL (Norma Shearer-Clark Gable)
2 WEEKS—SUSAN LENOX (Garbo-Clark Gable)
2 WEEKS—SIN OF MADELON CLAUDET (Helen Hayes)
2 WEEKS—POSSESSED (Joan Crawford-Clark Gable)
2 WEEKS—PRIVATE LIVES (Shearer-Montgomery)
3 WEEKS—MATA HARI (Garbo-Novarro)
2 WEEKS—THE CHAMP (Wallace Beery-Jackie Cooper)
2 WEEKS—EMMA (Marie Dressler)

And Currently John and Lionel Barrymore in "Arsene Lupin" are Held Over 2d Week!

MOTION PICTURE DAILY
March 2, 1932

The Pay-Off

WEEKLY change houses don't have to ring in new bills every seventh day when enough quality product comes their way.

There is the living, breathing example of the Capitol right on Broadway which, by one week from tomorrow, will have played five pictures in ten weeks. "Mata Hari" stuck it out for three weeks; "The Champ" played two; "Emma," two, "Lovers Courageous," one, and now "Arsene Lupin," two. Decision to hold over the brothers Barrymore was reached yesterday on the strength of the opening day's business, the barometer, as usual, in arriving at decisions of this kind.

▼

WHAT has been happening under your nose at the Capitol is potentially far more significant than the actual performance, although the money that has been passing through those busy ticket booths at Broadway and 51st cannot be ignored; it's that formidable.

It occurs to us that the episode, reasonably, might be construed as an indication of what exhibition at large may become when Hollywood supplies enough real attractions to make a system of two or more week runs possible.

Today, to narrow the matter down, there are many pictures that get one day in a theatre when easily they are worth more. Just why a specific engagement is limited to the one day, is something that has never been entirely clear to us, unless it represents a perfunctory kowtow in the direction of long-established trade custom.

If the argument holds for the daily change house, it should be applicable to the weekly change theatre, always bearing in mind, naturally enough, that pictures which are good for a second week come along entirely too infrequently

GET READY FOR THESE:

TARZAN, THE APE MAN (The Trader Horn of 1932)
THE WET PARADE (M-G-M outsmarts the field again!)
JOAN CRAWFORD in "Letty Lynton", JACKIE COOPER and 'CHIC' SALE in "Limpy"—GRAND HOTEL (Garbo, John Barrymore, Joan Crawford, Wallace Beery, Lionel Barrymore)

The Extended Run Habit's a Cinch with

METRO-GOLDWYN-MAYER

"Tomorrow and Tomorrow," Ruth Chatterton, Paramount, One of the Worst, "A Shad Shtory"

Canadian Moving Picture DIGEST

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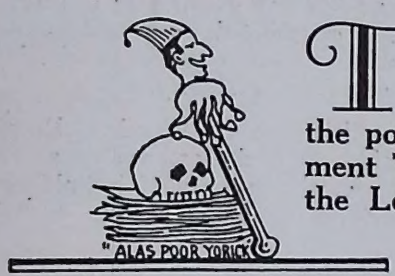
RAY LEWIS
Editor and Managing Director

Published by Canadian Moving Picture Digest Company, Limited
259 Spadina Ave. Toronto

Vol. 23, No. 47 TORONTO 2, CANADA March 19th, 1932

Paramount-Publix Pull "Poor Mouth"



THE Paramount-Publix Famous Players is the prime mover in the assembling of Canadian theatre interests, in appeals to the Government, "on behalf of the poor working man" for exemption of proposed Amusement Taxation, as presented in the recent Budget, before the Legislature, Queen's Park, Toronto.

This Company turned no listening ear to the appeal of Minority Shareholders, Canadians, who invested in what was presented to them as a Canadian Company, and who have lost approximately $23,000,000. Why was there no pity for the Canadian Shareholders? Hundreds of these shareholders who were working men, young working girls, and widows?

Paramount-Publix gave to these, in lieu of their dividend paying stock, Paramount-Publix shares, the latter which has passed its dividend. The "diversified world interests", have involved diversified liabilities, not least among which was the redemption of shares at $75.00, $80.00 and $85.00 a share, with the tape registering Paramount-Publix shares around $9.00.

Now it is proposed, by the Government, to place an Amusement Tax upon theatres; and Paramount-Publix Famous Players, rallies its forces, calling upon the Independents, to appeal to Premier Henry of Ontario, against taxation, on account of the "poor working man".

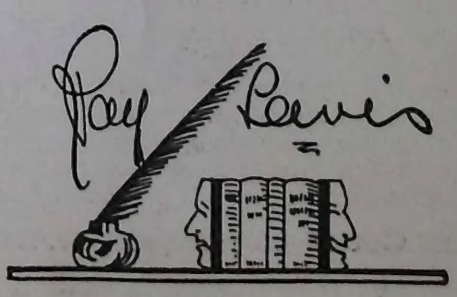
Did you ever hear the equal of such hypocrisy, and such "nerve", and can you imagine Independents being so gullible that they co-operate to save "Poor Paramount-Publix", which gathers in the shekels in Canada, for the benefit of itself in the United States.

What exhibitors should do is to ask Paramount-Publix to obey the "cease and desist order", to stop its zoning and protection demands made upon producer-distributors to the detriment of Independents.

Col. John Cooper has been called in to organize committees on tax appeal also. If he would be as interested in giving Exhibitors an equitable contract, without forced arbitration, as he is in organizing film interests for the elimination of the Amusement Tax, he would be performing a more noticeable service to the poor working man, who happens to be the little exhibitor also!

The Digest is not in favour of taxation by admission prices. Taxation should be directed where it can be carried, and it can best be carried by the chain circuits.

Taxation should be in accordance with seating capacity, and the advantages afforded Paramount-Publix Famous Players through a virtual monopoly of the Film Industry here.



RAY

RAY LEWIS

PRESENTS

MR. JUSTICE GARROW, in delivering his decision in connection with those charged under the Combines Act, is quoted as follows, "A man has the legal right to threaten to do what is legal to do in the eyes of the law"!

The reference is related to the alleged threats which Messrs. Bloom and Fine were said to have made in their various negotiations with Independent Theatreowners.

Mr. Justice Garrow found that the Crown had not proved its charges which were brought, both under the Combines Act and the Criminal Code. No reasons for his lordship's decision were made, his lordship stating that he would have detailed reasons ready in a few days.

Reading from a thick manuscript, at the latter part of his judgment, his lordship said, "And in the case of the Bloom and Fine theatres, and in the threats they are alleged to have made to independents, I can find no legal responsibility attached to them. A man has the legal right to threaten to do what is legal to do in the eyes of the law. They were said to have threatened individual theatreowners that they would build theatres right next door or across the road, and they did buy and build. They have a right to build theatres".

NOW this is no doubt good law and we do not presume in any way to comment or to pass judgment upon his lordship's decision, but we find that such a statement, interpreted by those not conversant with the legal values and aspects of what is a threat and what is a legal threat, may conclude that it is legal to threaten. The average individual has a mind not legally trained; and that type of mind is prevalent in motion pictures. We have already heard his lordship frequently quoted in our Industry; and much mischief may result from it, if not properly interpreted.

As a starting off point it may be well to examine the subject matter of threats and intimidation in a general way; and our best authority for interpretation may be found in the English and American law dictionaries.

In Abbott's Law Dictionary we find "threat" defined as follows, "to be any menace of such a nature and extent as to unsettle the mind of the person on whom it operates and to take away from his acts that free voluntary action which alone constitutes consent".

Again in Vol. 9 of the 3rd series of Judicial & Statutory Definitions of Words & Phrases, the definition of "threat" is, "Threat in criminal cases is a menace or declaration of one's purpose or intention to work injury to person, property or rights of another with a view of restraining such person's freedom of action. An act of extortion is complete when threat produces in mind of person threatened fear so affecting his mind as to influence conduct, causing him to pay what he otherwise would not have given". There is the case of McKenzie & Slate quoted for authority.

IN the English case of Wood & Bowen, Justice Lush said, "It is the essence of a threat that it be made for the purpose of intimidating or overcoming the will of the person to whom it is addressed".

If we accept this definition, we form a very clear picture regarding what is a threat and the purpose for which a threat is utilized; and we also are thus enabled to determine who has the power to make such threats. From this deduction we conclude, only those who are vested with the authority of the law have the legal right to threaten. For instance, an officer in the performance of his duty may say to a vagrant, or to a disturber of the peace that unless he refrain from certain action, the officer will arrest him, or report him and that his action will be punishable within the confines of the law.

The Department of Justice, or an officer of such Department, or a Court of Law may threaten if its sentence is not forthwith complied with, the Court will further proceed to seize the defendant's property, or person or perform such other acts upon the defendant as is within the confines of the law.

To threaten, however, with the motive of securing concessions under contractual arrangements, or other agreements, or conveyances, concessions which would not without such threats be given, certainly comes within the definition of Justice Lush's decision in passing judgment in the case of Wood & Bowen, that "it is the essence of a threat that it be made for the purpose of intimidating or overcoming the will of the person to whom it is addressed"; and under such circumstances it appears that the threatened person has legal grounds for equitable relief.

THE criminal jurisdiction of threats as a punishable offence must be determined by recourse to the statute of the jurisdiction, so that now we approach that section of the Criminal Code dealing with the subject matter of threats. No. 498 of the Criminal Code in respect to Restraint of Trade:

"Everyone is guilty of an indictable offence and liable to a penalty not exceeding $4,000 *and not less than* $200, *or to two years imprisonment, or if a corporation, is liable to a penalty not exceeding* $10,000, *and not less than* $1,000, *who conspires, combines, agrees or arranges*

(Continued on Page 6)

Court to proceed with Paramount "Cease and Desist" Order

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(Continued from Page 4)

WITH ANY OTHER PERSON, or with a railway, steamship, steamboat, or transportation company—

(a) to unduly limit the facilities, for transporting, producing, manufacturing, SUPPLYING, storing or dealing in any article or commodity which may be a subject of trade or commerce, or

(b) to restrain or injure trade or commerce in relation to any such article or commodity, or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity or to unreasonably enhance the price thereof, or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity or in the price of insurance upon person or property."

IN THE CASE of Messrs. Bloom & Fine, the Crown evidently did not present evidence which would place the "threats" alleged under the provisions of this Section of the Code to warrant conviction. That is to say, that the "threats" had not these elements which would determine their criminal character.

His lordship stated that the defendants, "had a right to build theatres", which they did build, but if building was the object, or purpose of the defendants, of what purpose then were the alleged threats? Is it in the nature of the business of building theatres to first threaten a competitor, or a possible competitor that you are intending to build; and furthermore what statement, in addition to the information as contained in the statement to build theatres, was made by the defendants? Certain exhibitors testified that they were informed that the defendants would build theatres providing these exhibitors did not refrain from certain actions, or did not agree to give the defendants certain concessions; and that the influence in respect to securing suitable product would be exercised by the defendants.

The actions which the defendants are alleged to have sought to restrain were in their nature legal actions which the complainants had a legal right to execute. It is a man's right to enlarge, or improve, or increase or decrease the admission price to his theatre; and no one has the legal right to interfere with his right to trade!

No man need give his property over to some one else to manage, or to relinquish any of the profits of his property, unless he is so disposed, and any "threat" of building theatres, which makes such a concession a part of a bargain, certainly comes within the interpretation of "threats" which are termed illegal.

ALTHOUGH a threat may have within its meaning and interpretation those qualifications which make it lawful in its use, the word threat implies some disadvantage, or injury to the threatened person, or his property, it conveys coercion, intimidation, undue influence; and those availing themselves of such service in the furtherance of their plans; and who have no judicial authority under which they exercise their "threats", had best refrain from the use of threats in the conduct of their business.

The New Film on Broadway

By *Betty Ross*

"MICHAEL AND MARY", a Gainsborough picture, British made and released by Universal. Directed by Victor Saville from the stage play by A. A. Milne and starring Herbert Marshall and Edna Best.

The expert work of the featured leads in "Michael and Mary", Herbert Marshall and Edna Best alone make it worth while seeing. The film is a sincere transcription from the stage play and in spite of the fact that there is more dialogue than action, is thoroughly appealing.

It seems that Mary's husband has basely deserted her during the Boer War. Alone and heart-hungry she meets Michael, a struggling young writer. These two are natural mates, a fact they instantaneously recognize and so they drift into marriage and much happiness together. Michael's literary talents are crowned with success and the birth of a son adds to their joy and contentment.

What more natural at this happy period than that the rascally husband who deserted Mary, come back and threaten to blackmail the bigaminously married pair. A heaven-sent heart attack stills his tongue forever but for a while afterward their secret is still in great peril. There is a grand jury inquest and much suspense before their peace of mind is restored to the gallant couple and they can resume their life together again.

Victor Saville, the youthful director, has earned his laurels in the handling of this stage originated film. Frank Lawton, Elisabeth Allan, D. A. Clark-Smith and the other supporting players adequately assist the featured leads to make "Michael and Mary" a sincere, human melodrama.

* * * *

"THE IMPATIENT MAIDEN." A Universal Production. Directed by James Whale and starring Lew Ayres and Mae Clarke. Interestingly filmed from the best seller of Donald Clarke's "Impatient Virgin". There is entirely too much in this story to attempt to give a detailed synopsis here. Suffice to say that Mae Clarke makes a very intriguing "Impatient Maiden", Lew Ayres as a very self-confident young intern does tricks in a hospital with the aid of another irrepressible, Andy Devine, in the role of male nurse. There are hysterical views of an appendicitis operation going on right before your eyes and when I say these are thrillingly, chillingly real, you can well believe it because James Whale who directed these scenes is the director of that supreme spine chiller "Frankenstein".

Young Dr. Myron Brown (Lew Ayres) meets the disturbing Ruth Robbins (Mae Clarke) when he is hastily summoned to revive a would-be suicide via the gas route. Ruth Robbins has kicked open a window to give the woman air and lacerated her lovely young legs. While the susceptible intern dresses the cuts, they become interested in each other and she later visits him in the hospital. He fluoroscopes her and naturally an appendectomy follows which will cause the hair to rise on your head.

The romance is highly satisfactory (how could it avoid being with two such magnetic youngsters like Lew Ayres and Mae Clarke). The talkative Una Merkel, Helen Jerome Eddy, John Halliday and the rest of the cast help make "The Impatient Maiden" a better than average picture.

"Michael and Mary" and "Carnival" preview showings. Pictures of which England can be proud

Toronto Theatres

LOEW'S—Manager Jules Bernstein — "Hell Divers", a Metro-Goldwyn-Mayer production, with Wallace Beery, Clark Gable and Dorothy Jordan, supported by Marjorie Rambeau, John Miljan, Marie Prevost, Alan Roscoe, and Frank Conroy. Beery and Gable are officers of a flying corp, and there is a great deal of rivalry between the two, as they both try to get ahead of each other. Beery causes a break up between Gable and his fiancee Dorothy Jordan, and this only helps to make matters worse. During a military maneouver Gable's plane is completely wrecked, and he is badly hurt when his parachute lands him on a rock. Beery, seeing the accident, proves his good worth, and he and the commander of the aeroplane, Conrad Nagel, go to the rescue of Gable. But on landing Nagel is seriously hurt, and as Beery cannot pilot the plane, they are forced to remain on the rock. A search party is sent out for them, but is unable to find them. Marooned on the rock, matters come to a very bad head, when they hear over their radio that the search is being abandoned. Beery determines to fly the ship, and is successful in finding a ship, and bringing the plane to a landing. But Beery is killed when the plane crashes. Directed by George Hill, from the story by Frank Wead.

UPTOWN—Manager Tom Daley — A First National Picture, "The Hatchet Man", with Edward G. Robinson, Loretta Young, Leslie Fenton, and Dudley Digges. Robinson is the Hatchet Man of his Tong. Forced to kill his best friend, by the orders of the Tong, he goes to him and tells him, also promising to take care of his daughter, Loretta Young. Loretta grows up under the guardianship of Robinson, and later they are married. A war breaks out between two Tongs, and Robinson is forced to leave the city, in order to perform a duty. On his return he learns of his wife's affair with Fenton. Instead of killing Fenton, he sends the two away. For this he is ostracised from the Tong. Receiving a letter from his wife, she tells him that Fenton is very cruel to her. Robinson finds her, and kills Fenton. Directed by William A. Wellman.

IMPERIAL—Manager H. V. Knevels—Constance Bennett in the R.K.O. production, "Lady With A Past". Constance Bennett is a wealthy young girl, who is very much a wallflower. She is proposed to by David Manners, when he is drunk, and arrangements are made for them to go to Europe; at the dock Manners tells Constance that he did not mean what he said, and for her to just forget about it. Constance decides to complete her trip to Paris. Once in Paris she becomes a changed woman. She hires a gigolo, and tells him about her troubles, and he promises to make her one of the most popular women in Paris. He is successful, and when Constance returns to New York she is one of the most sought after women in her set. Manners, realizing now that he loves her, asks her again, to marry him, and they are reconciled. Directed by Edward H. Griffith.

TIVOLI—Manager Jimmy Lynch—Second week for the Warner production, "The Man Who Played God" with George Arliss. Directed by John Adolphi.

SHEA'S—Manager Jerry Shea — "The Deceiver", a Columbia picture, with Ian Keith, Lloyd Hughes, Dorothy Sebastian and Natalie Moorhead. A murder mystery, which revolves around the death of a very popular actor, Ian Keith, who is found murdered in his dressing room, after the performance of a current play in which he is appearing. Everyone is very startled to learn that he has been dead for several hours, and could not have possibly been in the play that night. However, the play had run that evening. This part of the mystery is cleared up, when the management informs the detectives that the understudy took the part, as Keith's face had been so badly bruised that he could not appear. This implicates the understudy, Lloyd Hughes, who was the young gentleman who had the pleasure of bruising Keith's face, in a fight over a girl, Dorothy Sebastian. Everything is very satisfactorily cleared up, when a very suave gentleman from police headquarters, proves that Keith was killed by the father of one of the girls he had seduced. Directed by Louis King.

Price Revision, National Projector Carbons

Effective February 1st, 1932, due to exchange charges and alteration of manufacturing costs, the following are the new prices on the more commonly used sizes of National Projector Carbons. No discount is allowed from these prices other than 10% in full case lots of one size, the case quantities being indicated. Prices are for smallest package of that size.

OLD TYPE VERTICAL CARBON LAMPS—

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5/8" x 12" Cored, 500	7.70 per 50	11/32" x 6" Orotip, Cored or Solid, 1000	9.00 per 100
¾" x 12" Cored, 500	9.90 per 50	⅜" x 6" Orotip, Cored or Solid, 1000	9.60 per 100

WHITE FLAME A.C. COMBINATIONS—

5/8" Sets — 250 Sets	$9.27 per 25 Sets	¾" Sets — 250 Sets	$11.20 per 25 Sets

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6.4mm. x 8" Solid, 1000	$5.10 per 100	9mm. x 8" Cored, 1000	$7.00 per 100
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7mm. x 8" Cored, 1000	5.80 per 100	12mm. x 8" Cored, 1000	9.00 per 100
8mm. x 8" Solid, 1000	6.00 per 100	13mm. x 8" Cored, 1000	9.60 per 100
8mm. x 8" Cored, 1000	6.50 per 100	14mm. x 8" Cored, 1000	10.20 per 100

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